

Draft Supplemental Programmatic Environmental Assessment

Extension of HMGP Program Exception for Residential Properties in Louisiana

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**U.S. Department of Homeland Security
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Mitigation Directorate

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FEMA

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LIST OF ACRONYMS

ACG	Additional Compensation Grant
ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
ARRA	American Recovery and Reinvestment Act of 2009
CDBG	Community Development Block Grants
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CUP	Coastal Use Permit
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DFIRM	Digital Flood Insurance Rate Map
DSG	Disaster Specific Guidance
EA	Environmental Assessment
EHP	Environmental and Historic Preservation
E.O.	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FONSI	Finding of No Significant Impacts
FWS	U.S. Fish and Wildlife Service
GOHSEP	Governors Office of Homeland Security and Emergency Preparedness
HMGP	Hazard Mitigation Grant Program
HUD	Housing and Urban Development
LA HMGP PA	Louisiana State-Specific HMGP Programmatic Agreement (January 2011)
LDEQ	Louisiana Department of Environmental Quality
LDNR	Louisiana Department of Natural Resources
LRO	Louisiana Recovery Office
MOA	Memorandum of Agreement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	National Resources Conservation Service
NRHP	National Register of Historic Places
OCD	Office of Community Development
PA	Programmatic Agreement
PEA	Programmatic Environmental Assessment Program Exception (December 2007)
PNP	Private Non Profits
SBA	Small Business Administration
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office

SPEA	Supplemental Programmatic Environmental Assessment Program
	Exception
SWPPP	Stormwater Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers

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CHAPTER 1 INTRODUCTION

In December 2007, FEMA requested and received a waiver from the Executive Office of the President's Office of Management and Budget on the grant's management requirement which establishes that applicants must obtain Agency approval prior to engaging in pre-award activities. The waiver was requested for the administration of the Hazard Mitigation Grant Program (HMGP) in Louisiana and Mississippi and was based on the exceptional needs and circumstances resulting from Hurricanes Katrina and Rita. The implications of this HMGP Exception is that certain hazard mitigation actions initiated without prior FEMA approval and implemented in the course of repair activities on structures and facilities (as defined in the Stafford Act) damaged by the disasters in Louisiana, remain eligible for grant consideration if they met all other eligibility considerations.

FEMA engaged in the environmental planning and historic preservation review for its proposal for implementing the proposed limited exception. Through the process required under the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), FEMA considered various alternatives for implementing the limited exception. FEMA selected an alternative allowing otherwise eligible hazard mitigation projects initiated before the date of the issuance of a Disaster Specific Guidance (DSG) (January 15, 2008) that explained this limited program exception and would provide a 60 day grace period from the issuance of the DSG for grandfathering otherwise eligible hazard mitigation actions taken by commercial and residential property owners in Louisiana and Mississippi. During this time, the HMGP grantees, the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and the Mississippi Emergency Management Agency (MEMA), were required to provide public materials and notification of the availability of the DSG and requirements to wait for FEMA's review and approval before initiating otherwise eligible hazard mitigation actions. The grace period for public and private non-profit property (PNP) owners ended on January 15, 2008. The grace period for residential and commercial property owners ended on March 16, 2008. Projects initiated after these grace periods would no longer be eligible for FEMA's HMGP funding because residential and commercial property owners interested in obtaining FEMA funding for their actions would have been on notice of the requirements. After this grace period, all potential recipients of FEMA HMGP funds would be expected to comply with the requirements under Federal grant, environmental planning, and historic preservation laws, implementing regulations and national policies. The DSG, the first Programmatic Environmental Assessment for the HMGP Program Exception, the associated Finding of No Significant Impact (FONSI), and the Gulf Coast Programmatic Agreement (HMGP Gulf Coast PA) under Section 106 of NHPA and its amendment can be found at www.fema.gov/plan/ehp/envdocuments/programmatic-ehp and are incorporated into this document by reference.

On February 17, 2009, President Barack Obama signed the American Recovery and Reinvestment Act of 2009 (ARRA). ARRA was designed to be an economic stimulus package to re-invigorate the United States economy, create and save jobs, assist those impacted by the recent economic recession, and begin to address national challenges that have been neglected. Section 602 under the General Provisions of ARRA/Division A – Appropriation Provisions/Title VI –Department of Homeland Security states:

The Administrator of the Federal Emergency Management Agency may not prohibit or restrict the use of funds designated under the hazard mitigation grant program for damage caused by Hurricanes Katrina and Rita if the homeowner who is an applicant for assistance under such program commenced work otherwise eligible for hazard mitigation grant program assistance under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) without approval in writing from the Administrator.

There is an expectation that this language directs FEMA to remove the deadline of March 16, 2008, for the HMGP Exception for actions taken by residential homeowners. However, the provision did not automatically remove the deadline nor did it eliminate the requirement for each hazard mitigation project to comply with other eligibility requirements such as environmental planning and historic preservation requirements, cost effectiveness, and feasibility. On October 8, 2010, GOSHEP urged FEMA to consider Section 602 of ARRA as eliminating the March 16, 2008 deadline and consider eligible any Hurricane Katrina or Rita HMGP residential project in Louisiana that was initiated prior to FEMA's approval and required reviews. It should be noted that this document pertains only to residential structures, and the deadlines noted above for public, PNP, and commercial properties remain in effect.

NEPA and its implementing regulations at 40 C.F.R. Part 1500 and 44 C.F.R. Part 10 require the evaluation of the impacts of policy changes on the natural and human environment. FEMA has a categorical exclusion for preparation, revision, and adoption of directives and other guidance documents (including policies) related to actions that qualify for categorical exclusions [44 CFR Part 10.8(d)(2)(ii)]. Even though the hazard mitigation activities taken by homeowners that are being considered in this request normally qualify for FEMA categorical exclusions, the Agency cannot determine with certainty whether they did or did not trigger extraordinary circumstances. In addition, there are particular extraordinary circumstances associated with the programmatic decision because it is a decision that has a high level of public controversy [44 CFR Part 10.8(d)(3)(ii)] and has the potential to violate a Federal, State, local or tribal laws or requirements imposed for the protection of the environment [44 CFR Part 10.8(d)(3)(ix)]. As a result, FEMA has developed this supplemental programmatic environmental assessment (SPEA) to evaluate the impacts of the decision of whether and how to implement the Congressional mandate and GOSHEP's request.

CHAPTER 2 PURPOSE AND NEED

In the aftermath of Hurricanes Katrina and Rita, homeowners in the affected areas of Louisiana and Mississippi proactively engaged in activities in an effort to recover from the damage and mitigate at-risk properties against future damage. Such activities may have been eligible for funding under the HMGP or could have been used to meet the non-Federal match requirement of the program had the applicants and the prospective beneficiaries of such funds obtained FEMA's approval before they initiated the activities. Under HMGP requirements, projects initiated or completed prior to FEMA approval are not eligible for funding.

Hurricanes Katrina and Rita overwhelmed the capability of local governments in the affected areas of Louisiana and Mississippi and left communities without resources to assign to the identification, development, and timely application and implementation of hazard mitigation initiatives under HMGP. Communities in these impacted areas were not in a position to engage in the required HMGP application process until more than two years after the catastrophic hurricanes. In addition, the grantees and applicants were not able to appropriately communicate the requirements of the HMGP program to the prospective beneficiaries of such funds (i.e. homeowners, business owners, local government agencies, etc.).

Louisiana elected to allocate approximately \$750 million of their \$1.47 billion available HMGP funds to eligible hazard mitigation actions taken by residential property owners participating in the State's "Road Home" program. This program leverages \$10.4 billion in Federal assistance from the Department of Housing and Urban Development (HUD) with HMGP funds for various disaster recovery actions or decisions made by residential homeowners. However, to date the grantee (GOHSEP) and applicant (e.g. Louisiana's Office of Community Development) have only been able to disburse \$241 million, of which only \$185 million has been disbursed as payments to property owners for eligible work. The remainder of the funds has not been disbursed to homeowners because the grantee and applicant have not been able to determine and document the complete universe of homeowners that meet the program's eligibility requirements.

In addition, the grantee and its applicant have been unable to place adequate institutional controls to prevent the initiation of residential projects prior to FEMA's approval and review. The grantee identified close to 1,000 properties that fit the DSG HMGP program exception. However, the grantee has also identified close to 64 properties where owners initiated otherwise eligible work after March 16, 2008, without first obtaining FEMA's approval and required review. Before acting on these properties FEMA requested further information from the grantee and applicant to understand the potential scope of properties and otherwise eligible projects that were initiated after the established deadline under the DSG. FEMA believes that this number could change as the grantee continues to review the applications and documentation from homeowners that volunteered to participate in this program.

FEMA considered the following factors to determine if there is a need to engage in an action:

- The extent to which the original DSG was used, which is an indicator of how much a variance from the normal requirements was needed to address the unique disaster-related challenges in the area;

- Congressional intent for FEMA to reconsider the March 16, 2008 deadline established through the DSG, first PEA, FONSI, and HMGP Gulf Coast PA;
- The amount of currently available HMGP funds that have not been obligated after 5 years due to a lack of eligible projects;
- The lack of intent on the part of the ultimate beneficiaries of the disaster assistance (residential property owners) to circumvent program requirements and environmental and historic preservation reviews;
- The need to provide disaster assistance to residential property owners that may not be aware of national environmental and historic preservation policies that affect Federal assistance;
- The critical need for hazard mitigation actions to protect homes from future disasters similar to Hurricanes Katrina and Rita; and
- The potential for disproportionate and adverse economic and environmental (public safety) effects on low-income and minority populations that may have not received adequate and effective communication regarding the consequences of initiating projects prior to FEMA's review and approval.

FEMA has determined that there is a need to consider taking an action related to the HMGP program exception for residential property owners in Louisiana based on these factors. The purpose of this action is to make available funds for the hazard mitigation of residences to protect them from future disasters.

CHAPTER 3 PROGRAM ALTERNATIVES

The alternatives developed in this SPEA are associated with FEMA's decision on allowing a limited exception to this policy and HMGP program requirements in Louisiana. FEMA has not made a decision whether to allow this limited change or how to implement this limited exception. Given that FEMA retains discretion on this decision, the Agency believes that NEPA and the other environmental planning and historic preservation requirements can be complied with even when the specific actions underlying the policy decision have already been initiated or completed. The following options for implementation were evaluated:

3.1 Alternative 1: FEMA retains the limited exception with original grace period (No action)

Under this alternative, FEMA would maintain the status quo for HMGP in Louisiana by keeping the limited exception established through the DSG. The impacts of this alternative were evaluated in the December, 2007 Final PEA and FONSI (i.e. Alternative B-4).

The exception is available to residential and commercial structures, as well the FEMA eligible repair of public facilities, including eligible PNP facilities as defined in 44 CFR §206.221(e), that were damaged by Hurricanes Katrina and Rita. The definition of public facilities and PNP facilities is that used in Section 102 of the Stafford Act. The eligible activities under this alternative for residential and commercial structures include:

- Retrofits (public or private) (also known as individual mitigation measures or IMM)
- Elevations (public or private)
- Mitigation reconstruction (public or private)
- Demolition where a prospective acquisition or mitigation reconstruction is proposed (public or private)

Eligible activities under this alternative for public and PNP facilities include:

- Relocation of public facilities
- Minor, structure-specific, flood-control projects, such as floodgates or minor floodwalls
- Retrofit of stormwater management facilities
- Infrastructure protection measures
- Construction of associated safe rooms

These activities are eligible under the exception if they were not eligible under the Public Assistance Program (Section 406 mitigation).

This alternative included a grace period of 60 days after the issuance of a DSG for grandfathering residential and commercial hazard mitigation projects initiated without FEMA's review and approval. The grace period ended on March 16, 2008. Projects not initiated before that date would be subject to the normal HMGP procedures, including environmental planning and historic preservation review and FEMA approval before the project's initiation.

As required by the HMGP Gulf Coast PA, its amendment, the first HMGP Program Exception PEA, and its associated FONSI, FEMA, GOHSEP, the Louisiana State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), the Alabama-Coushatta Tribe of Texas (ACTT), the Chitimacha Tribe of Louisiana (CTL), the Choctaw Nation of Oklahoma (CNO), the Jena Band of Choctaw Indians (JBCI), the Mississippi Band of Choctaw Indians (MBCI), the Seminole Tribe of Florida (STF), and other signatories have executed a State-Specific Programmatic Agreement under Section 106 of the NHPA to address the adverse effects of this alternative on historic properties. Thus, this alternative includes the implementation of the executed State-specific Programmatic Agreement for HMGP in Louisiana (LA HMGP PA) that provides a process for addressing the potential adverse effects to historic properties from those actions under this alternative.

Under this alternative, the State must submit initiated or completed hazard mitigation projects to FEMA for approval, ensuring that all appropriate documentation for each project is included with the submittal. FEMA will review projects to ensure they meet benefit-cost and engineering feasibility eligibility requirements.

Projects must obtain and comply with all applicable permits (e.g., NPDES permits, CWA Section 404 General or Individual Permits, Stormwater Pollution Prevention Plans [SWPPP], Incidental Take permits [ESA Section 10(a)(1)(b)], building permits for construction in the floodplain, and coastal use permits). Projects that did not obtain and properly implement permit conditions will not be eligible for HMGP funding.

3.2 Alternative 2: Exception for hazard mitigation measures taken by homeowners in Louisiana before FEMA's approval without grace period (Proposed action)

Under this alternative, FEMA would continue to implement the no action alternative (Alternative B-4 in the first PEA) but provide a limited exception as suggested in Section 602 of ARRA for the funding of any otherwise eligible hazard mitigation activity undertaken by homeowners in Louisiana that was initiated without receiving environmental planning and historic preservation review and prior FEMA approval. This alternative eliminates the cut-off date of March 16, 2008, for grandfathering residential hazard mitigation actions initiated by homeowners without FEMA's prior approval. The hazard mitigation activity must have been undertaken as a result of damages caused by Hurricanes Katrina and Rita. The original exception would remain for commercial and public and private non-profit hazard mitigation actions initiated prior to FEMA review and approval.

The eligible activities under this alternative for residential structures include:

- Retrofits (IMM)
- Elevations
- Mitigation reconstruction
- Demolition where a prospective acquisition or mitigation reconstruction is proposed

Similar to the no action alternative, this alternative would include the implementation of the LA HMGP PA stipulations related to the HMGP program exception for actions initiated without FEMA approval as specified in the DSG and for residential hazard mitigation actions initiated by

homeowners without FEMA approval after March 16, 2008.

The State will continue to submit initiated or completed residential hazard mitigation projects to FEMA for approval, ensuring that all appropriate documentation for each project is included with the submittal. FEMA will review projects to ensure they meet benefit-cost and engineering feasibility and other program eligibility requirements such as meeting local permitting requirements, establishing ownership, construction standards to preliminary or effective (as applicable) Digital Flood Insurance Rate Maps (DFIRM) when available.

Projects must obtain and comply with all applicable permits (e.g., NPDES permits, CWA Section 404 General or Individual Permits, Stormwater Pollution Prevention Plans [SWPPP], Incidental Take permits [ESA Section 10(a)(1)(b)], building permits for construction in the floodplain, and coastal use permits). Projects that did not obtain and properly implement permit conditions will not be eligible for HMGP funding.

3.3 Alternative 3: Exception for hazard mitigation measures taken by homeowners in Louisiana with an extension of grace period

This alternative would provide an extension of the grace period that ended on March 16, 2008, to residential hazard mitigation activities to a future date. The Grantee would re-engage in outreach efforts for homeowners about the implications of initiating projects prior FEMA's review and approval. The deadline for the grace period has not been determined.

3.4 Alternatives Considered and Dismissed from Further Review

In addition to the alternatives considered and carried through the analysis FEMA evaluated other options but eliminated them for the reasons identified below:

Exception of hazard mitigation measures taken by homeowners in Louisiana limited to those that did not have adverse effects on historic properties – Under this alternative, FEMA would have eliminated the limited grace period as proposed in Alternative 2 but would find ineligible those properties that adversely affected historic properties. FEMA eliminated this alternative from consideration because by implementing this approach the Agency would be penalizing the owners of historic homes and would frustrate the goal of providing hazard mitigation assistance for at risk properties regardless of status.

Another consideration for eliminating this alternative was its potential to result in disproportionately high and adverse environmental effects to minority and low-income populations. The denial of FEMA funds to historic property owners that engaged in actions causing adverse effects to their properties could result in a disparate effect to such populations by either keeping them vulnerable to future hazards or exposing them to the economic distress of absorbing the full costs of the hazard mitigation measures that otherwise would have been eligible. FEMA has not been able to determine the final total of otherwise eligible properties, the number of historic properties that would be affected by this allowance, the amount of such properties where the hazard mitigation measures taken by the homeowner resulted in adverse effects, nor the socioeconomic characteristics of homeowners that are in this group to be able to fully understand if such decision would result in either a disparate treatment or disproportionate

high and adverse effect on low-income and minority populations. For these reasons FEMA has decided not to pursue this alternative to avoid disproportionately high and adverse effects on minority and low-income populations.

FEMA recognizes that the underlying goal of Section 106 of NHPA to adequately consider potential effects on historic properties early in project planning would be undermined by allowing reimbursement of actions that affected historic properties. However, the unique set of circumstances here and the fact that the limitation is strictly for homeowners, who may not be aware of the restrictions imposed by various national policies on Federal funding, necessitates special consideration for taking this action. FEMA has sought to balance consideration of extreme situations resulting from the disasters with adverse and even irreparable impacts to historic properties. This is particularly the case for archeological resources which once they are disturbed may lose their ability to provide or convey information about the past. In an effort to balance these two considerations, FEMA, in consultation with the signatory parties, has agreed to review and resolve adverse effects of those hazard mitigation projects that are associated with properties within, adjacent to, or within 100 meters of the boundaries of an archeological site recorded with the SHPO and that is previously determined as a NRHP-eligible historic property or of undetermined eligibility on a case-by-case basis.

CHAPTER 4 CURRENT CONDITIONS AND ENVIRONMENTAL IMPACTS

FEMA's categorical exclusions under NEPA, 44 CFR Part 10.8(d)(2), include exclusions that apply to the HMGP actions under this proposal. These include:

- Acquisition of properties and associated demolition, where the property acquired will be dedicated to open space in perpetuity [44 CFR 10.8(d)(2)(vii)];
- Physical relocation of individual structures [44 CFR 10.8(d)(2)(vii); (xiii)]; and
- Reconstruction, elevation, retrofitting, and upgrading to current codes and standards of structures in a manner that substantially conforms to the pre-existing design, function, and location [44 CFR 10.8(d)(2)(xv)].

Extraordinary circumstances must be taken into account in the determination of whether the categorical exclusion applies to the particular activity or project. Typical extraordinary circumstances considered for these activities include impacts or adverse effects to air quality, water resources, floodplains, coastal resources, biological resources, historic properties, environmental justice, and hazardous materials. FEMA's reviewers engage in the extraordinary circumstances evaluation before approving the action and engage in the review of other applicable environmental planning and historic preservation requirements as part of this evaluation. If an extraordinary circumstance exists and cannot be successfully addressed through the applicable environmental planning or historic preservation requirement, such as Section 7 consultation under Endangered Species Act (ESA) or Section 106 of the NHPA, FEMA would develop an environmental assessment (EA) to determine the significance of the impacts to the human environment.

Approval of actions already initiated before this evaluation circumvents the objective in NEPA and many of the environmental planning and historic preservation requirements to take into account the impact of the action before it starts. The review under these requirements would not add value to the decisionmaking because the impacts would have already occurred. It is for this reason that it is FEMA's policy to deny eligibility of actions initiated without the required review. This policy is aligned with general grant principles that do not allow initiation of post-award actions prior to a Federal agency's approval. *See* Office of Management and Budget Circular A-87. It is also aligned with HMGP program guidance.

This SPEA evaluates the impacts on the natural and human environment of FEMA's options for changing this policy and program guidance for the HMGP in Louisiana. The discussion below leverages the discussion in the first HMGP PEA by incorporating by reference those existing conditions and impacts pertinent to Louisiana. Incorporation by reference is a tool allowed in the Council on Environmental Quality (CEQ) NEPA regulations to avoid needless repetition and reduce the length of documents. In addition, FEMA used the scoping process to focus on those areas deserving a more detailed analysis in this document and those areas that could be summarily described without the need for further details. Table 4-1 provides the results of this scoping process. The evaluation assumed that otherwise eligible actions have already occurred.

Table 4-1. Scoping of issues for SPEA

Area of Concern	Further Analysis in this SPEA?	Reasoning
Air quality	No	Only five parishes are in nonattainment (see pp. 9 to 12 of the first PEA). Actions that would be allowed under this exception (elevation, demolition, retrofit, reconstruction) would cause emissions below <i>de minimus</i> thresholds in the non-attainment areas of the state. Actions above established thresholds or with the potential to produce hazardous air pollution would have required permits from Louisiana Department of Environmental Quality (LDEQ) before their initiation. Documentation required for program eligibility determination would include proof that applicable permits were obtained. It is assumed that construction followed best practices to reduce particulate matter and that construction equipment met applicable air pollution control standards. Impacts on air quality would have been negligible.
Water quality	No	A brief description of Louisiana's water resources can be found in pages 12 to 16 of the first PEA. Actions that would be allowed under this exception (elevation, demolition, retrofit, reconstruction) would involve in construction of less than one acre and would have negligible impacts on water quality. Actions involving construction of one acre or more would have required a storm water pollution prevention general or major construction permit from the LDEQ before their initiation. Documentation required for program eligibility determination would include proof that applicable permits were obtained. Impacts on water quality would have been negligible.
Wetlands	No	Actions that would be allowed under this exception (elevation, demolition, retrofit, reconstruction) would involve construction in already developed areas. Actions involving the fill or modification of jurisdictional wetlands would have required a Clean Water Act Section 404 wetlands permit. Actions affecting wetlands in the coast would have required coastal use permits (CUP) from Louisiana Department of Natural Resources' Coastal Management Division (LDNR CMD). Documentation required for program eligibility determination would include proof that applicable permits were obtained. Impacts on wetlands would have been negligible.

Area of Concern	Further Analysis in this SPEA?	Reasoning
Coastal resources	No	<p>A brief description of Louisiana's coastal permit requirements under the Coastal Zone Management Act (CZMA) can be found at page 22 of the first PEA. Actions that would be allowed under this exception (elevation, demolition, retrofit, reconstruction) would involve construction in already developed areas. A CUP from LDNR's CMD would have been required for activities impacting wetlands in Louisiana's coast. However, it is unlikely that permits would have been required due to the nature of the particular activities considered. Nonetheless, documentation required for program eligibility determination would include proof that applicable permits were obtained.</p> <p>No projects which are determined by the US Fish and Wildlife Service to be located within the Coastal Barrier Resources System will be approved for funding.</p> <p>Impacts on coastal uses and resources would have been negligible.</p>
Biological resources including threatened and endangered species and critical habitat	No	<p>All citizens are prohibited from taking threatened or endangered species without an appropriate permit. Activities such as vegetation and land clearing in suitable habitat of species have the potential to take threatened or endangered species. However, it is unlikely that the actions involved in this exception (elevation, demolition, retrofit, reconstruction) would take protected species or affect other wildlife because they involve construction within structures or areas that were already urbanized or developed. Impacts on biological resources including threatened and endangered species and critical habitat would have been negligible.</p>
Hazardous materials	No	<p>Activities associated with the demolition and handling of asbestos containing materials (ACM), components with lead-based paint, and household hazardous wastes would have followed State and Federal requirements for their appropriate handling and ultimate disposal. Hazard mitigation actions related to the acquisition of properties in areas contaminated by the release of hazardous substances would not be eligible unless applicant obtains a Certificate of Completion or a No Further Action determination from LDEQ for the property. Impacts associated with hazardous materials would have been negligible.</p>

Area of Concern	Further Analysis in this SPEA?	Reasoning
Noise	No	Construction related activities and associated equipment would produce noise. Some of these activities would occur in noise sensitive areas or near noise sensitive receptors such as neighborhoods, schools, places of worship, parks, and other areas where people congregate. However, it is assumed that construction was conducted during normal business hours and followed applicable noise ordinances. Noise impacts would have been negligible.
Public safety	No	The purpose of the hazard mitigation program is to enhance public safety by improving community resiliency to all disasters. The implementation of the proposed action or alternatives would result in the reduction of hazard risks associated with flooding, extreme wind, and earthquake events. This action will not have an effect to the existing public safety infrastructure such as medical, fire, police, and communications. Moderate positive impacts to public safety are expected.
Housing stock	No	The actions contemplated under these alternatives would affect dwellings. Although demolition of dwellings where a prospective acquisition is proposed is eligible, data received by FEMA to date shows that no project would fit this category. Therefore, no effect to housing stock is expected from the proposed action and its alternatives.
Flood risks	Yes	Minor to moderate negative and positive impacts.
Historic Properties	Yes	No effects to substantial adverse impacts. FEMA will address impacts through the implementation of the LA HMGP PA stipulations addressing the limited exception.
Low-income and minority populations	Yes	Minor negative impacts and moderate positive impacts. No disproportionate high and adverse environmental or health effects on low-income and minority populations.

4.1 Overview of projects received by FEMA to date

FEMA has conducted environmental planning and historic preservation reviews for more than 47,000 properties that were preliminarily submitted by the State as potential candidates for the HMGP funds. The list has been revised numerous times with properties being added or deleted as the State reviews eligibility and documentation.

The latest list of potential candidates for FEMA HMGP funding has 15,000 properties. These properties include properties that the state has funding for, and alternative properties that may be funded if any of the properties selected for funding drop out of the program, are determined to be duplicates from another HMGP program, or additional funding becomes available. Tables 4.2, 4.3, and 4.8 through 4.11 depict data from a universe of 18,644 projects provided by the State. This figure differs from the 15,000 figure discussed above because it includes approximately 3,644 properties that may receive funding for more than one mitigation action. For instance, a homeowner may receive funding to elevate his or her home and may receive funding to wind retrofit the same structure. The latest list of 18,644 properties submitted to FEMA contains 973 projects where work was initiated before the environmental planning and historic preservation review and before March 16, 2008 (Work in Progress [WIP] Properties) and 64 projects where work was initiated before FEMA's review but the work started after March 16, 2008 (ARRA Properties).

Table 4-2. Number of Projects Initiated before FEMA's Review and Approval prior to March 16, 2008 listed by Parish (Work In Progress [WIP])

Damaged Residence Parish	WIPs	Parish Percent of Total
Calcasieu	5	0.514%
Cameron	32	3.289%
Iberia	14	1.439%
Jefferson	139	14.286%
Lafourche	2	0.206%
Orleans	546	56.115%
Plaquemines	29	2.980%
Saint Bernard	57	5.858%
Saint Mary	1	0.103%
Saint Tammany	59	6.064%
Terrebonne	65	6.680%
Vermilion	24	2.467%
Totals	973	100.000%

Table 4-3. Number of Projects Initiated before FEMA’s Review and Approval after March 16, 2008 listed by Parish (ARRA Properties)

Damaged Residence Parish	Total ARRAs	Parish Percent of Total
Calcasieu	1	1.563%
Cameron	2	3.125%
Iberia	1	1.563%
Jefferson	11	17.188%
Orleans	35	54.688%
Saint Bernard	1	1.563%
Saint Mary	1	1.563%
Saint Tammany	1	1.563%
Terrebonne	7	10.938%
Vermilion	4	6.250%
Totals	64	100.000%

4.2 Past, Present, and Reasonably Foreseeable Actions

Cumulative impacts evaluation takes into account the “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).” FEMA expects that the proposed action and its alternatives would have cumulative impacts on floodplains, historic properties, and minority and low-income populations when added to the major recovery work that has occurred since the Hurricanes Katrina and Rita and the work that is reasonably foreseeable to occur. FEMA does not expect that the cumulative impacts of the alternatives under this analysis would be significant. Other actions and programs FEMA considered in the impacts evaluation below include:

CDBG-funded Road Home Program

Using federal funds, Louisiana created the Road Home Homeowner Assistance Program to assist Louisianans displaced by the hurricanes. The program's principal activity has been provision of grants to homeowners who wish to repair or rebuild and reoccupy their damaged homes. As of March 24, 2011, it had given 117,744 Louisiana homeowners almost \$8 billion in grants for rebuilding. Office of Community Development, The Homeowner Assistance Program Weekly Situation and Pipeline Report Week 247, 1 (March 29, 2011) ("Weekly Situation and Pipeline Report"), <http://www.road2la.org/Docs/pipeline/week247pipeline.pdf>.

FEMA Individual Assistance

FEMA provides assistance to eligible individuals in the aftermath of a Presidential disaster declaration. This assistance takes the form of direct temporary housing assistance and grant assistance for housing-related expenses (e.g. rental, mortgage, minor repairs) and other expenses such as disaster legal services and crisis counseling. Total housing assistance provided under FEMA’s Individual Assistance to date in Louisiana as a result of Hurricane Katrina has been \$3.75 billion. Total housing assistance provided under FEMA’s Individual Assistance to date in Louisiana as a result of Hurricane Rita has been \$418 million.

FEMA Public Assistance

The Public Assistance grant program in FEMA provides disaster assistance for the restoration of public infrastructure. This could involve the repair, relocation, and replacement of these facilities as long as they incurred eligible damages, are eligible facilities, will engage in eligible work, and are proposed by eligible applicants. The total grant dollars of Public Assistance disbursed in Louisiana to date as a result of Hurricane Katrina has been \$10.2 billion. The total grant dollars of Public Assistance disbursed in Louisiana to date as a result of Hurricane Rita has been \$634 million. Examples of projects funded by FEMA's Public Assistance Program include the repair and replacement of schools, repair and replacement of healthcare infrastructure, and replacement of public housing.

FEMA Alternate Housing Pilot Program

In 2006 Congress required FEMA to create a pilot program for evaluating innovative approaches to housing solutions that would be applicable in the Gulf Coast states affected by the 2005 hurricanes. This pilot program allowed for the development and placement of housing that would be considered mid- to long-term housing. Louisiana participated in the program and allowed the placement of these housing units in the Parishes of Baton Rouge, Calcasieu, Jefferson, and Orleans. Environmental assessments for these activities can be found at <http://www.fema.gov/plan/ehp/envdocuments/ea-region6.shtm>.

FEMA Traditional Hazard Mitigation Grant Program

FEMA provides funding for hazard mitigation actions that are cost effective and reduce the potential effect of future disasters. In addition to the types of hazard mitigation actions considered and discussed under the proposed alternatives in this SPEA, FEMA provides funding for drainage projects, wildfire mitigation, acquisition and demolition of structures, beach nourishment, and construction of community safe rooms as long as they meet all program eligibility requirements. For instance, FEMA has reviewed and approved one drainage project in Jefferson Parish (<http://www.fema.gov/library/viewRecord.do?id=4343>) and is likely to receive other major hazard mitigation projects under this program.

U.S. Army Corps of Engineers Flood Protection Systems

The United States Army Corps of Engineers (USACE) is undertaking multiple flood control projects in Louisiana. The USACE manages the Greater New Orleans Hurricane Storm Damage Risk Reduction System (GNOHSDRRS) and the Southeast Louisiana Urban Flood Control Program (SELA). During Hurricanes Katrina and Rita, surge and waves caused 50 major levee breaches in the GNOHSDRRS. Thirty-four of the city's 71 pumping stations were damaged, and 169 of the system's 350 miles of protective structures were compromised. Information on the environmental impacts for the USACE projects related to GNOHSDRRS can be found at <http://www.nolaenvironmental.gov/>. The SELA program includes both the east and west banks of the Mississippi River in Orleans and Jefferson Parishes, with an objective to reduce damages due to rainfall flooding in Orleans, Jefferson, and St. Tammany Parishes. Improvements in the drainage system in Orleans Parish support the master drainage plan for the parish and generally provide flood protection on a level associated with a ten-year rainfall event, while also reducing damages for larger events.

The GNOHSDRRS and SELA projects would provide additional flood protection for southeastern Louisiana, which would ultimately encourage new development, restoration, and/or redevelopment within Jefferson and Orleans Parishes. The GNOHSDRRS and SELA projects would provide indirect beneficial cumulative effects to land use, cultural resources, and socioeconomics by lowering insurance rates, creating new jobs and services, and protecting existing cultural resources from storm surge and flooding.

A list of other construction projects by the USACE in Louisiana can be found at <http://www.mvn.usace.army.mil/pd/projectslist/projectList.asp?projectType=CG>.

Small Business Loans

The Small Business Administration (SBA) provides disaster assistance in the form of low-interest loans to survivors of Presidentially-declared disasters. Recipients of this form of financial assistance include businesses, non-profit organizations, and homeowners. This assistance may be used for the repair of their damaged structures. To date the SBA has approved close to \$6.4 billion dollars in homeowner assistance loans for the Hurricane Katrina disaster in Louisiana and \$440 million dollars for the Hurricane Rita disaster.

4.3 Flood Risks

4.3.1 Current Conditions

A brief description of the nature of Louisiana's floodplains can be found on page 17 of the first PEA for the HMGP Program Exception. Table 4-4 summarizes the current status of Digital Flood Insurance Rate Maps (DFIRM) availability for the state of Louisiana.

Table 4-4. Louisiana Preliminary and Effective DFIRM Status Report

Parish	Preliminary or Effective Status	Date	Parish	Preliminary or Effective Status	Date
Acadia	Effective	11/26/2010	Livingston	Preliminary	01/31/2008
Allen	Effective	03/17/2011	Madison	Preliminary	11/24/2009
Ascension	Effective	08/16/2007	Morehouse	Preliminary	01/25/2010
Assumption	Preliminary	07/20/2009	Natchitoches	Preliminary	05/21/2009
Avoyelles	Preliminary	09/30/2009	Orleans	Preliminary	11/13/2008
Beauregard	Effective	11/26/2010	Ouachita	Preliminary	08/07/2009
Bienville	Effective	07/03/2006	Plaquemines	Preliminary	10/30/2008
Bossier	Effective	09/26/2008	Pointe Coupee	Preliminary	05/29/2009
	Preliminary*	01/31/2011	Rapides	Preliminary	07/31/2007
Caddo	Effective	04/06/2000	Richland	Preliminary	11/23/2009
Calcasieu	Effective	02/18/2011	St. Bernard	Preliminary	10/30/2008
Caldwell	Preliminary	01/07/2011	St. Charles	Preliminary	10/30/2008
Cameron	Preliminary	03/28/2008	St. Helena	Preliminary	03/14/2011
Concordia	Preliminary	01/21/2010	St. James	Effective	07/04/2011
DeSoto	Effective	12/16/2003	St. John the Baptist	Effective	11/04/2010

Parish	Preliminary or Effective Status	Date	Parish	Preliminary or Effective Status	Date
East Baton Rouge	Effective	05/02/2008	St. Landry	Effective	08/05/2010
	Preliminary*	11/20/2010	St. Martin	Effective	11/04/2010
East Feliciana	Preliminary	07/31/2009	St. Mary	Preliminary	03/31/2008
Evangeline	Effective	09/03/2010	St. Tammany	Preliminary	04/30/2008
Franklin	Preliminary	11/20/2009	Tangipahoa	Effective	07/22/2010
	Effective	09/02/2011	Terrebonne	Preliminary	07/30/2008
Iberia	Preliminary	02/19/2008	Union	Effective	07/04/2011
Iberville	Preliminary	09/30/2008	Vermilion	Effective	01/19/2011
Jefferson	Preliminary	10/30/2008	Vernon	Effective	03/03/2011
Jefferson Davis	Effective	07/22/2010	Washington	Effective	12/03/2009
Lafayette	Preliminary	09/28/2007	Webster	Effective	03/02/2010
Lafourche	Preliminary	07/30/2008	West Baton Rouge	Preliminary	12/09/2008
Lincoln	Effective	04/02/2009			

*Revised preliminary maps for partial parish. Only selected DFIRM panels have been revised, as necessary.

Although a particular parish may not have adopted their preliminary DFIRMs, FEMA uses preliminary DFIRM data because it is the best available data. The basis of FEMA's Flood Insurance Studies (FIS) and FIRMs is the 1% chance of flooding on any given year (100-year base flood). This is a probabilistic study that takes into account hydrology and hydraulic analyses based on historical hydrologic data and current land characteristics. FEMA's studies do not take into account future conditions such as future land use and land cover changes within a community or changes in future geophysical conditions such as soil subsidence, rate of coastal erosion, or those related to climate change (e.g. sea level rise, precipitation, frequency and severity of severe weather events such as storms and hurricanes). As a result, the FIS and FIRMs represents the base flood elevations (BFE) and the special flood hazard area (SFHA) and probabilistic flood hazard situation at the time the study is made and does not reflect future changes in base flood elevation, special flood hazard area, and probabilistic flood hazard conditions as a result of changes in the underlying assumptions (i.e. average precipitation, changes in impervious surfaces, frequency of wet weather events, erosion). This scenario is of particular relevance in Louisiana. The degradation and significant reduction in wetland areas in the State, along with high coastal erosion rates, rate of soil subsidence, and potential changes in the frequency and severity of storms and sea level rise as a result of climate change have resulted in an increase in the flood risks in the State, especially in the coastal parishes.

Coastal resources, such as wetlands and barrier shoreline habitats, and coastal construction practices play a key role in reducing the impacts of storms and sea level rise in southern Louisiana. President Obama's Administration has taken concerted efforts to address and improve resiliency of coastal communities in the Gulf Coast. Examples of these efforts include the issuance of Executive Order Gulf Coast Ecosystem Task Force, the creation of the Louisiana-Mississippi Gulf Coast Ecosystem Restoration Working Group, and the Roadmap for Restoring Ecosystem Resiliency and Sustainability. FEMA's implementation of hazard mitigation initiatives in Louisiana, such as those supported by the HMGP, take these efforts into account.

FEMA recognizes that elevation to the base flood elevation or protection of properties through the NFIP minimum standard alone would not reduce the flood risks to properties in Louisiana to the lowest degree possible. In light of this realization, the Agency adopted a more stringent standard for its pilot reconstruction hazard mitigation actions in the Gulf Coast. FEMA's requirements for the HMGP pilot reconstruction require properties to be designed and constructed to the minimum standard established by the 2003 International Building Code (IBC) unless a subsequent edition of the IBC is adopted by the governing jurisdiction. Louisiana has adopted the IBC which incorporates ASCE 24-05 by reference.

4.3.2 Environmental Impacts

Alternative 1: No Action

FEMA would continue with the approach selected in January 2008. In addition to properties that followed the normal review and approval process FEMA would extend eligibility to those residential properties where the homeowner initiated otherwise eligible work without FEMA's approval before March 16, 2008. This analysis assumes that otherwise eligible hazard mitigation actions have already occurred.

Hazard mitigation actions associated with retrofits, elevations, and reconstruction for properties in the floodplain have extended the life of the structure and maintained the occupancy of the floodplain. The properties would remain at risk of flooding in events that exceed the 1% chance of flooding in any given year. In addition, without adequate and effective communication homeowners may believe that they and their properties are safe from future flooding given the hazard mitigation activities that they have employed. Because the activities already occurred, FEMA would not have the opportunity to review the actions in light of the Agency's responsibilities in Executive Order 11988 and 44 CFR Part 9 and determine if alternatives existed outside the floodplain or whether more stringent minimization measures were needed. However, the number of properties in this group is limited to a small number (less than 10% of the expected total number of properties) and program eligibility review would ensure that the minimum program requirements regarding flood risk were adopted.

Hazard mitigation actions related to acquisition and relocation outside the floodplain would have moderate beneficial impacts to the floodplain by restoring the natural beneficial values of floodplains. It would also reduce floodplain occupancy and minimize potential loss of life and property.

Under this alternative FEMA would have made ineligible substantial improvements in the floodway and new construction coastal high hazard areas (V zones).

As a result FEMA expects that these projects would have minor impacts from floodplain occupancy.

Alternative 2: Proposed Action

This alternative would have similar impacts than the no action alternatives. This alternative would marginally increase the number of eligible properties where hazard mitigation actions